

REMARKS

Claims 24 and 25 have been amended [MSOffice], while claim 31 is new. Claims 24-31 therefore remain pending in the application. Applicant respectfully traverses the Office's rejections and, in view of the foregoing amendments and the following remarks, respectfully requests that the Office issue a Notice of Allowance. The amendments are supported by the specification and do not introduce new matter.

§103 REJECTIONS

Claims 24-30 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Number 5,742,772 (Sreenan) in view of U.S. Patent Number 5,442,791 (Wrabetz).

Applicant respectfully traverses the rejections. Nevertheless, Applicant has amended independent claims 24 and 25 for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejections.

THE CLAIMS

Claim 24 recites in a computer system having resources and a resource planner for granting reservations of amounts of resources to activities, a computer-implemented method comprising:

- submitting by an activity a request for a reservation of a set of resources in specified amounts from an activity to the resource planner;
- determining at the resource planner that the request cannot be granted;
- returning from the resource planner to the activity a list, the list including an amount of each currently available resource that satisfied the resource reservation request and an amount of each currently available resource that did not satisfy the resource reservation request, the amounts being specified in terms of units specific to each resource in the set of resources;
- using the returned list at the activity to reformulate the request for a reservation of the set of resources to specify new requested amounts;
- resubmitting the reformulated request to the resource planner; and
- executing the activity.

In making out a rejection of this claim, the Office alleges that Sreenan in view of Wrabetz renders claim 24 obvious. Applicant respectfully disagrees. Nevertheless, for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejection, Applicant has amended this claim. Applicant respectfully submits that Sreenan in view of Wrabetz at least fails to teach or suggest "returning from the resource planner to the activity a list, the list including *an amount* of each currently available resource *that satisfied the resource reservation request* and *an amount* of each currently available resource *that did not satisfy the resource reservation request*, the amounts being specified in terms of units specific to each resource in the set of resources" (emphasis added) as recited in independent claim 1. During the afore-mentioned interview,

Applicant's representative understood the Office to agree. Applicant thanks the Office for this indication.

Applicant respectfully submits "an 'activity' is an abstraction that serves as a *generalization of a running program* and is the unit of abstraction to which resources are allocated and against which resource usage is charged." (Application page 6, lines 2-3). Thus an 'activity' is a 'running program,' and acts as a client requesting resources of the resource planner.

For at least this reason, this claim ~~24 is stands~~ allowable.

Claim 25 recites in a computer system having resources and a resource planner for granting reservations of amounts of resources to activities performed on the computer system, a computer-implemented method comprising:

- negotiating between the resource planner and activities to reserve shares of the resources with the resource planner on behalf of the activities;
- in view of changing resource usage or requirements, renegotiating between the resource planner and the activities to change reservations of resources on behalf of the activities to reflect the changing resource usage or requirements, wherein renegotiating includes returning from the resource planner to the activity a list, the list including an amount of each currently available resource that satisfied the resource reservation request and an amount of each currently available resource that did not satisfy the resource reservation request, the amounts being specified in terms of units specific to each resource in the set of resources; and
- executing at least one of the activities.

In making out a rejection of this claim, the Office alleges Claim 25 corresponds to claim 24 and therefore is rejected under the same rationale. Applicant respectfully submits that Sreenan in view of Wrabetz, as well as the

other references of record, fail to disclose or suggest this amended claim. For example, Sreenan in view of Wrabetz at least fails to disclose or suggest “wherein renegotiating includes returning from the resource planner to the activity a list, the list including an amount of each currently available resource that satisfied the resource reservation request and an amount of each currently available resource that did not satisfy the resource reservation request, the amounts being specified in terms of units specific to each resource in the set of resources”, as recited in independent Claim 25. During the above mentioned interview, Applicant’s representative tentatively understood the Office to agree.

For at least this reason, this claim 25 stands allowable.

Claims 26-30 depend from claim 25 and, as such, the remarks made above in regards to claim 25 apply equally to claims 26-30. Claims 26-30 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest. Applicant therefore submits that each of claims 26-30 stands allowable at least for its dependency upon claim 25.

Claim 31 recites in a computer system having resources and a resource planner for granting reservations of amounts of resources to activities, a computer-implemented method comprising:

- submitting a request for a reservation of a set of resources in specified amounts from an activity to the resource planner;
- determining at the resource planner that the request cannot be granted;
- returning from the resource planner to the activity a list, the list including an amount of each resource in a set of resources that is currently available to the activity, the amount being specified in terms of units specific to each resource in the set of resources;

- using the returned list at the activity to reformulate the request for a reservation of the set of resources to specify new requested amounts;
- resubmitting the reformulated request to the resource planner; and
- executing the activity.

Applicant respectfully submits that Sreenan in view of Wrabetz at least fail to teach or suggest “*determining at the resource planner that the request cannot be granted*”, returning from the resource planner to the activity a list, the list including an amount of each resource in a set of resources that is currently available to the activity, the amount being specified in terms of units specific to each resource in the set of resources” as recited in independent claim 31 (emphasis added). Wrabetz appears to discuss “*if the list is empty, a null set is returned*” as the list of qualifying resources.” Applicant respectfully submits that when there is no match of resources, Wrabetz returns nothing (a null set), whereas when “the request cannot be granted” applicant’s claim 31 recites “returning from the resource planner to the activity a list”.

For at least this reason, this claim stands allowable.

CONCLUSION

For at least the foregoing reasons, claims 24-31 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, Applicant respectfully requests the Office to contact the undersigned representative to resolve the issue.

Lee & Hayes, PLLC
Representatives for Applicant

/David W. Foster/

Dated: 4/29/2008

David W. Foster (daved@leehayes.com)
Reg. No. 60,902
Christopher Lattin (christopher@leehayes.com)
Registration No. 56,064

Customer No. 22801

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com